

Personnel Manual Revisions

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General Approach

- Review Manual for the following:
 - Organization and Readability
 - Consistency with State and Federal Law, and Case law on Employment Matters
 - Consistency with Best Practices in Human Resources
 - Consistency with BRAA current procedures
 - Consistency with BRAA operational needs.
- Two Work Sessions with BRAA staff and meeting with BRAA Vice Chair to discuss proposed changes.

In the following slides, blue text will indicate recommended changes in policy.



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Organization and Readability

- New Headings Were Created for Readability and Ease of Reference
- Related Concepts Were Grouped Together.
- Sections that have been reorganized under a new heading with expanded information include:
 - Section 3 - Code of Ethics -
 - Section 4 - Recruitment and Hiring
 - Section 5 - Performance Reviews and Incentives
 - Section 8 - Rules of Conduct



Consistency with State and Federal Law

- Section 1 - Fundamental Principles - Reference to EEO removed, because EEOC does not have jurisdiction.
- Section 3 - Code of Ethics - updated to track the requirements of Section 112.313, Florida Statutes, which applies to public employees. Also removed reference to the Palm Beach County Code of Ethics, which applies to the County and to municipalities, but not to special districts.
 - Section 3.2 - constitutes a conflict of interest policy for Federal awards, tracking the requirements of 2 CFR 200.112.
- Section 4.3 - Criminal Background Checks -added dispute process consistent with Fair Credit Reporting Act. Reflected public records law retention and disclosure.
- Section 5.1 - Updated definitions of “exempt” and “non-exempt” employees to reflect current Fair Labor Standards Act (FLSA) requirements.



Consistency with State and Federal Law (con't)

- Section 5.3 - Updated information regarding lunch breaks and work breaks to clarify consistency with FLSA requirements.
- Section 5.10 - clarified language regarding Safe Harbor for impermissible pay deductions, and state that exempt employees cannot have reduced pay for quality of work.
- Section 8.12 - added section regarding public records law.
- Section 8.16 (C) - Under *Rabideau v. State*, 409 So. 2d 1045 (Fla. 1982), BRAA is sovereignly immune from cases arising from vehicle accidents under the dangerous instrumentality doctrine. Section 8.16(c) informs employees that they may face liability under the doctrine if they use their personal vehicles for business and should consider a business rider on their insurance policy.
- Section 8.19 - Added vaping and e-cigarette use to track Florida Indoor Clean Air Act, Section 386.204, Florida Statutes.



Consistency with State and Federal Law (con't)

- Section 9.2 - Social Media Policy. Public employees have a right of free speech under the First Amendment. However, the First Amendment allows public employers to address speech that is made when the government employee speaks as an employee. Social media use can implicate both private speech and employment speech. Changes to the social media policy are intended to address this distinction. *See McCullars v. Maloy*, 369 F. Supp. 3d 1230 (M.D. Fla. 2019).
- Section 10.2 - Weapons in the Workplace Policy - removed reference to searches and updated weapons definition, consistent with Sections 790.001 and 790.251, Florida Statutes.
- Section 11.5 - Whistleblower Complaints - State and federal law both prohibit retaliation against whistleblowers. Section 112.3187, Fla. Stat., and 18 USC s. 1107 and 151 (Sarbanes-Oxley Act).



Consistency with Best Practices in Human Resources

- Section 2 - explains the inter-relationship between the Executive Director's employment contract and the personnel manual, for clarity.
- Section 3.3 - Old manual allowed time off for "community activities." Section 3.3 authorizes volunteer activities, with prior permission of the Executive Director, but does not authorize time off for such activities and specifies that such activities should not pose a conflict or interfere with the Authority's operations.
- Section 4 - creates a separate section for recruitment and hiring, and adds specific policies outlining the procedure for hiring, including how background checks and driver's histories factor into the selection process.
 - Section 4.5 - specifies that the initial employment period is probationary and can be terminated with no administrative rights.



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Consistency with Best Practices in Human Resources (con.)

- Section 5.5 - Allows the Executive Director to provide leave on a discretionary basis for exempt employees that have worked hours greatly in excess of the normal work week.
- Section 7.8 (A) - Funeral leave was modified to remove reference to the funeral or a friend or relative that does not meet the definition of immediate family.
- Section 7.8(C) - Allows up to 2 hours of leave for voting. Prior policy allowed schedules to be modified to accommodate voting hours.
- Section 7.10 - Modified disability leave to be unpaid for up to 90 days.
- Leave of absence without pay for reasons other than disability was removed from the leave policy.
- Section 8.4 - Dress Code/Personal Appearance/Hygiene - updated language to remove gendered language, add reference to safety gear, hygiene, business casual days, and offensive fragrances.
- Section 8.5 - Changed the meals and incidentals reimbursement from a “per diem” basis to using the GSA reimbursement rates.



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Consistency with Best Practices in Human Resources (con.)

- Section 8.6 - Added anti-fragrance policy to Housekeeping policy to avoid disability concerns.
- Section 8.8 - added policy regarding use of Customs and Border Patrol facility ID badges (additional references to badges found in Section 4.1 regarding recruitment)
- Section 8.10 - allows the Executive Director to authorize personal property to be stored on site when in the best interest of the Authority (for example, parking a car at the Airport in order to facilitate travel).
- Section 8.11 - added an anti-fraternization policy to reduce risk of harassment claims.
- Section 8.16 - added reporting requirements for tickets, accidents, incidents. Prohibit e-cigarettes and vaping in vehicles. Added requirement to use shoulder harnesses. Updated hands free device language.
- Section 8.18 - streamlined section on personal calls.



Consistency with Best Practices in Human Resources (con.)

- Section 10.1 (D) and 11.2(B) - added clarity regarding administrative leave procedures during investigations.
- Section 10.4 - added section on Workplace Safety.
- Section 10.5 - created separate section for Internal Investigations and Searches.
- Section 12.1 - added explicit reference to “progressive discipline.”
 - Section 12.2(A)&(B) - added verbal counseling and performance improvement plans as progressive discipline steps.
 - Section 12.2(D) - clarified suspension without pay for disciplinary issues.
- Section 12.2 - added a grievance process, with written grievance/appeal to Deputy Director and/or Executive Director, as applicable.
- Section 13.1 - allows Executive Director to waive 2 week notice requirement.



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Consistency with BRAA Current Procedures and Operational Needs

- Section 4.1 - explains how BRAA currently solicits and accepts employment applications.
- Section 5.1 - added a category for student interns consistent with BRAA's practice, for clarity.
- Section 5.2 - Added detail about hours of work beyond the normal work day for exempt and non-exempt employees, in recognition of the Airport's 24/7 operation.
- Section 5.8 - BRAA auditors requested that time records procedures be reflected in the Personnel Manual.
- Section 6.1 - Performance Reviews - updated to reflect current BRAA practices with respect to reviews, performance incentives, and merit increases.
- Section 7.5 - Personal Days. Added detail about BRAA's practice with respect to unused personal days.
- Section 8.1 - Airfield Incident and Emergency Response - provides detail on emergency readiness, return to work policies, and authorized closing policies.
- Section 8.3 - Airport Authority Events - acknowledged that certain industry or Authority-sponsored events may include use of alcohol.



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